

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

September 26, 2001

ITEM: 22

SUBJECT: Dairy Compliance Update

At the July 20, 2001 Board meeting, the Board conducted a public hearing and adopted an amendment to Cease and Desist Order No. 99-65. The amendment extended the time schedules for submittal of engineered waste management plans (EWMPs) for concentrated animal feeding operations (CAFOs). At the hearing, staff noted that one of the factors that warranted extending the time schedules was that Board staff needed additional time to review the backlog of draft EWMPs that have already been submitted. Staff noted that the backlog occurred due to a lack of sufficient staff resources, and other competing priorities in the dairy program, including permitting activities, inspection commitments, complaint investigations, etc. As a result, the Board requested staff to prepare a status report on the number of dairy inspections completed during fiscal year 2000-2001, the number of violations encountered, and the nature and extent of those violations.

Federal regulations define NPDES permittees as either "major" or "minor". CAFOs are considered "minor" NPDES permittees. Each fiscal year, in conjunction with the budget process, the state board and the regional boards develop work plan commitments. These work plan commitments describe the activities that each regional board will perform during the fiscal year. For fiscal year 2000-2001, this Board had a commitment to perform 518 type "B" inspections of "minor" NPDES permittees. A type "B" inspection is a routine, comprehensive, non-sampling inspection. Of the 518 type "B" inspections, 450 inspections were to be CAFO inspections. These inspections do not include complaint inspections, non-compliance follow-up inspections, etc.

During fiscal year 2000-2001, Board staff conducted 469 type "B" CAFO inspections. As a result of these inspections, 26 violations and 24 threatened violations were observed. Twenty-one of the violations were wastewater discharges to surface waters during wet weather conditions. These discharges ranged in magnitude from small volume discharges caused by rodent holes or runoff from corrals (all of which were stopped quickly), to larger volume discharges caused by berm failures or storm water overflows from wastewater containment ponds or wastewater disposal fields. Five of the violations were observed during dry weather conditions. These violations were generally low volume discharges to surface water drainage systems due to either inadequate

wastewater disposal systems or leaking containment systems (berms). All of the violations noted above were corrected in a timely manner. The threatened violations that were observed included improper manure handling practices that resulted in manure being deposited into local storm water drainage systems, damaged or missing containment berms, and inadequate maintenance of berms, pumps, spillways, etc. All of the violations and threatened violations were discussed with the CAFO operators and, in many instances, Notices of Violation were sent.

As a result of a recent statewide restructuring of workload standards and the work plan commitment structure, the Board's work plan commitment for fiscal year 2001-2002 includes 619 "non-major" inspections. This includes type "B" inspections for all "minor" NPDES permittees, and many other types of inspections (complaint, non-compliance follow-up, etc.) that were not included as part of the inspection commitment in prior years. Therefore, we will not need to perform 450 type "B" CAFO inspections to meet our Board-wide inspection commitment this year. However, we still intend to conduct at least one type "B" inspection of each of the approximately 320 CAFOs in the region this fiscal year.